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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/738,367	12/15/2000	Rodney Carl Burnett	AUS920000769US1	9819
7590	10/14/2005			
Darcell Walker 8107 Carvel Lane Houston, TX 77036				
			EXAMINER PYZOSHA, MICHAEL J	
			ART UNIT 2137	PAPER NUMBER
DATE MAILED: 10/14/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/738,367

Applicant(s)

BURNETT, RODNEY CARL

Examiner

Michael Pyzocha

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

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**DETAILED ACTION**

1. Claims 1-12 are pending.
2. Appeal Brief filed 10/03/2005 has been received and considered.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-4, 6-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coley et al (US 5790664), further in view of Davis (US 5473692) and further in view of Abraham et al (US 5539906).

As per claims 1, 9, and 10, Coley et al discloses, removing a privilege and monitoring the number of applications that have privilege to a program (see column 13 line 56 through column 14 line 27).

Coley et al fails to disclose transferring the privilege.

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However, Davis teaches transferring a privilege (see column 2 lines 58-65, and 8-21).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Davis' teaching of transferring privileges in the system of Coley et al.

Motivation to do so would have been to have the functionality of a dongle in an integrated circuit (see column 2 lines 58-65).

The modified Coley et al and Davis system fails to disclose the privileges are with respect to a resource manager.

However, Abraham teaches a resource manager (see column 11 lines 24-30, column 12 lines 51-62, column 13 lines 5-16).

At the time of the invention it would have been obvious to a person of ordinary skill in the art for the resource manager of Abraham to have the privileges of the modified Coley et al and Davis system.

Motivation to do so would have been to allow access to data and processes only to users authorized to do so (see Abraham column 3 lines 1-40).

As per claim 2, the modified Coley, Davis and Abraham system discloses transferring of the privilege to the new system program comprises: registering the new system program; setting a privilege identity for the new system program; and incrementing

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a privilege process count (see Coley column 13 line 56 through column 14 line 27).

As per claim 3, the modified Coley, Davis and Abraham system discloses privilege registration comprises: requesting a privilege transfer to the resource manager by the new system program; and determining whether the new system program requesting the privilege transfer currently has a privilege to the resource manager (see Coley column 13 line 56 through column 14 line 27).

As per claim 4, the modified Coley, Davis and Abraham system discloses determining whether the new system program making a request has privilege to the resource manager further comprises determining whether the new system program has a previous registration (see Coley column 13 line 56 through column 14 line 27).

As per claim 6, the modified Coley, Davis and Abraham system discloses providing a new privilege identity by the new registered system program (see Coley column 13 line 56 through column 14 line 27).

As per claim 7, the modified Coley, Davis and Abraham system discloses setting the privilege identity of the resource manager to the privilege identity of the new system program making the request; determining whether the requesting program

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is marked as privilege; and marking the requesting program as privileged when the program has not been previously marked as privileged (see Coley column 13 line 56 through column 14 line 27).

As per claim 8, the modified Coley, Davis and Abraham system discloses determining whether a privilege process count is greater than zero; determining whether a requesting program is privileged; marking the requesting program as privileged and returning privilege to the requesting program (see Coley column 13 line 56 through column 14 line 27).

As per claim 11, the modified Coley, Davis and Abraham system discloses transferring a privilege to a new system program that will administer the resource manager further comprises initializing a program having a system privilege, the initialized program being a native administrative system program (see Coley column 13 line 56 through column 14 line 27).

As per claim 12, the modified Coley, Davis and Abraham system discloses the transferring the privilege to access the resource manager away from the system program that had the privilege during the initialization further comprises the step of disabling the system program that had the privilege during initialization from disabling that privilege (see Coley column

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13 line 56 through column 14 line 27 and Davis column 2 lines 8-21).

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Coley, Davis and Abraham system as applied to claim 3 above, and further in view of Hinsley et al (US 5295266).

As per claim 5, the modified Coley, Davis and Abraham system fails to disclose determining if a program has a privileges is determined by checking if the program is a descendent of another.

However, Hinsley et al teaches privileges with descendents (see column 3 lines 34-36).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Hinsley et al's privileges in the modified system of Coley, Davis and Abraham.

Motivation to do so would have been for all children to have the same privileges as the parent (see column 3 lines 34-36).

#### ***Response to Arguments and Amendments***

6. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection, which therefore **reopens prosecution**.

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7. Claims 11 and 12 that were not entered after final have been entered and considered in this action.

**Conclusion**

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nolan (US 5146575) discloses transferring privileges.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pyzocha whose telephone number is (571) 272-3875. The examiner can normally be reached on 7:00am - 4:30pm first Fridays of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJP

  
**EMMANUEL L. MOISE**  
**SUPERVISORY PATENT EXAMINER**